

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, NATIONAL  
ASSOCIATION,

Plaintiff,

v.

BARRINGTON PARK OWNER LLC, et al.,  
Defendants.

23-CV-9972 (DEH)

ORDER

DALE E. HO, United States District Judge:

On February 6, 2024, the Court entered an Interim Order Appointing a Receiver. *See* Receivership Order, ECF No. 71. Pursuant to the Receivership Order, the Receiver took exclusive possession and control of twenty-seven (27) multi-family apartment complexes located in Alabama, Arkansas, Florida, Mississippi, Louisiana, Ohio, Tennessee, and Texas (the “Receivership Estate”). Under Section 2.xviii of the Receivership Order, the Receiver may “[s]eek and obtain instruction from the Court concerning the Receivership Estate, the exercise of Receiver’s powers and performance of Receiver’s duties.” Receivership Order 4.

On May 24, 2024, the Receiver filed a Motion for Instructions. *See* Receivership Mot., ECF No. 81. The Receiver describes a dispute between the Lender and Defendant Shadow Creek Owner, LLC regarding the scope of the Lender’s secured collateral with respect to the Shadow Creek Apartments. *See* Giddings Decl. ¶¶ 4-7, ECF No. 82. The Shadow Creek Apartments includes two apartment complexes, (i) 2807 Daniel McCall Drive, Lufkin, Texas 75904 (“Tract 1”); and (ii) 3100 Daniel McCall Drive, Lufkin, Texas 75904 (“Tract 2”). *Id.* at ¶ 4. There is a dispute as to whether Tract 2 is a part of the Lender’s secured collateral, and thereby part of the Receivership Estate. *Id.*

Accordingly, the parties shall file briefs with their respective positions on whether Tract 2 is part of Lender's secured collateral, and thereby part of the Receivership Estate. Each side's brief and any supporting evidence shall be filed by **June 14, 2024**. Briefs shall not exceed fifteen (15) pages.

The Clerk of Court is respectfully directed to close ECF No. 81.

SO ORDERED.

Dated: May 30, 2024  
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is written over a horizontal line.

DALE E. HO  
United States District Judge